

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

TELE-CONS, INC. and  
MICHAEL MOISIN

Plaintiffs,

v.

Civ. A. No. 03-11250 RCL

HARMONY LIGHTING, INC.,  
LIGHTS OF AMERICA, INC.,  
FEIT ELECTRIC COMPANY, INC.  
TECHNICAL CONSUMER PRODUCTS, INC.,  
S K AMERICA, INC. d/b/a MAXLITE,  
WESTINGHOUSE LIGHTING CORPORATION,  
GREENLITE LIGHTING CORP.,  
HELIX LIGHTING CORP.,  
AMERICAN TOP LIGHTING, INC.,  
PHILIPS LIGHTING COMPANY, and  
PHILIPS ELECTRONICS NORTH AMERICA  
CORPORATION.

Defendants.

**MOTION AND MEMORANDUM TO EXTEND THE MARKMAN SCHEDULE**

Plaintiffs Tele-Cons, Inc. and Michael Moisin hereby respectfully move the Court to Extend the existing Markman Schedule as set forth below for the reasons explained herein:

1. Defendants Harmony Lighting, Inc., Technical Consumer Products, Inc., Maxlite, Greenlite Lighting Corp., and Philips Lighting Co. and Philips Electronics North America are all unopposed to Plaintiffs' Motion. The remaining defendants have not responded to Plaintiffs' query regarding this Motion.

2. At the Settlement Conference held on May 5, 2004, the Court set a Pretrial Schedule, the relevant part of which is set forth below.

3. Plaintiffs' are currently pursuing settlement negotiations with all of the defendants, and are close to settlement with a number of the defendants.

4. Plaintiffs' counsel are currently at trial before the Honorable Judge Young in the District Court for the District of Massachusetts in the case of Nortel Networks, Inc. v. Foundry Networks, Inc., cv. 01-10442 WGY.

5. Due to the attendant time and other demands of the Nortel v. Foundry case, plaintiffs' counsel are unable to attend to both the settlement negotiations and claim construction issues as currently scheduled in this case.

6. In light of this conflict, ongoing settlement negotiations, and the parties' need to complete the claim construction process and conduct discovery, Plaintiff's, with the consent of the above listed defendants, move the Court to enter the modified schedule set forth below.

7. Plaintiffs, as well as the above listed defendants, are mindful of the need to avoid undue delay and have agreed upon the proposed modified dates carefully in a good faith effort to avoid any further changes in the schedule.

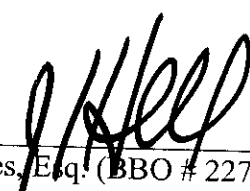
WHEREFORE, Plaintiffs respectfully move this Court for an Order modifying the current Pretrial Scheduling Order as follows:

<u>EVENT</u>	<u>EXISTING DATE</u>	<u>PROPOSED NEW DATE</u>
Plaintiffs to file claim construction briefs	October 15, 2004	November 29, 2004
Defendants to file claim construction briefs	November 1, 2004	December 13, 2004
Markman Hearing	December 15, 2004	January 12, 2004

Respectfully submitted,

**TELE-CONS, INC. and  
MICHAEL MOISIN**

Dated: October 13, 2004

By:   
Paul J. Hayes, Esq. (BBO # 227000)  
Eugene A. Feher, Esq. (BBO # 550762)  
Robert R. Gilman, Esq. (BBO # 645224)  
MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY AND POPEO, P.C.  
One Financial Center  
Boston, MA 02111  
(617) 542-6000 (Telephone)  
(617) 542-2241 (Facsimile)  
*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing to be served by first class mail, postage prepaid, on October 13, 2004, on the following:

Joshua C. Krumholz  
Holland & Knight, LLP  
10 St. James Avenue  
Boston, MA 02116

*Attorneys for defendant,  
Harmony Lighting, Inc.*

Gary Smith  
Posternak Blankstein & Lund LLP  
Prudential Tower  
800 Bolyston Street  
Boston, MA 02199

*Attorneys for defendant,  
Lights of America, Inc.*

David E. Lurie  
Lurie & Krupp, LLP  
One McKinley Square  
Boston, MA 02109

Neal L. Slifkin  
Harris Beach LLP  
99 Garnsey Road  
Pittsford, New York 14534

*Attorneys for defendant,  
S K America, Inc. d/b/a Maxlite*

Lawrence R. Robins  
Finnegan, Henderson, Farabow,  
Garrett & Dunner, LLP  
55 Cambridge Parkway  
Cambridge, MA 02142

*Attorneys for defendants,  
Philips Electronics North America and  
Philips Lighting Company*

Otto O. Lee  
Intellectual Property Law Group  
Old Bank of America Building  
12 South First Street, 12<sup>th</sup> Floor  
San Jose, CA 95113

*Attorney for defendant,  
Bulbrite Industries, Inc.*

Steven M. Auvil  
Beneshc, Friedlander,  
Coplan & Aronolf LLP  
2300 BP Tower  
200 Public Square  
Cleveland, OH 44114-2378

*Attorneys for defendant,  
Technical Consumer  
Products, Inc.*

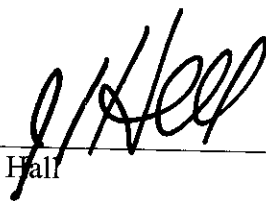
Joseph R. Delmaster, Jr.  
Drinker Biddle & Reath LLP  
1500 K Street NW  
Washington, DC 20005

*Attorneys for defendant,  
Westinghouse Lighting Corporation*

-and-

Joel R. Leeman  
Bromberg & Sunstein LLP  
125 Summer Street  
Boston, MA 02110

*Attorneys for defendants,  
Westinghouse Lighting Corporation, Geelite Lighting Corp.,  
and Technical Consumer Products, Inc.*

  
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James C. Hall

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